



TECHNICAL MEMORANDUM

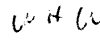
Utah Coal Regulatory Program

JK

October 23, 2007

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor 
Steve Christensen, Team Lead 

FROM: Wayne H. Western, Environmental Scientist III 

RE: PHC Update (related to Task #2807), CONSOL Energy Company, Emery Deep Mine, C/015/0015, Task ID #2821

SUMMARY:

On October 3, 2007, the Permittee submitted updated hydrologic information to the Division. On October 12, 2007, the Permittee submitted additional information. The information was submitted per conditional approval granted the Permittee to employ full extraction techniques on the 14th West Panel in the Emery Deep Mine (Task ID #2807). In addition, the Permittee provided additional information in support of proposed full extraction mining in the 15th West, 4th East and 6th West panels.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

The Permittee met the minimum requirements of this section. The Permittee proposed to update the mine plan to allow for full extraction mining in the 4th East, 6th West 14th West, and 15th West and Zero North panels. The Permittee proposed to use full extraction for maximum economic coal recovery. The Permittee proposed to mine the zero north panel in order to recover coal while they wait on a federal IBC lease.

Findings:

The information in the proposed amendment is considered adequate to meet the minimum requirements of this section.

EXISTING STRUCTURES:

Regulatory Reference: 30 CFR 784.12; R645-301-526.

Analysis:

The Permittee met the minimum requirements of this section. The Permittee will not be using any structure that was constructed prior to January 21, 1981 that has not already been used as part of the permit.

Findings:

The information in the proposed amendment is considered adequate to meet the minimum requirements of this section.

RELOCATION OR USE OF PUBLIC ROADS

Regulatory Reference: 30 CFR 784.18; R645-301-521, -301-526.

TECHNICAL MEMO

Subsidence Control Plan

The Permittee did not meet the minimum requirements of this section. In Chapter V page 26 of the October 12, 2007 submittal, the Permittee stated:

Subsequent updated pre-subsidence surveys will be completed for all future panels where full extraction (planned subsidence) is contemplated. The reports will be submitted to DOGM three months prior to initiating full extraction.

The Division will not accept that commitment. R645-301-515.700 requires public notice at least six months prior to mining. In addition, three months may not give the Division enough time to renew and approve an application to conduction full extraction mining.

In Chapter V page 42 of the October 12, 2007 submittal, the Permittee stated:

If mining activities adversely impact the Emery Town Wells, Consol will commit to insuring an alternative source of water, per R645-301-731-530, for the town if the surface water supply becomes inadequate.

R645-525.480 requires that the Permittee describe the measures to be taken to replace adversely affected State-appropriated water rights. In addition the commitment should be simplified for example instead of will commit, the Permittees commits.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-525.700, The Permittee must mail a notification the water conservancy district and the owners and occupants of surface properties and structures above the underground workings at least six months before mining. The Division will not accept the three-month period proposed by the operator.

R645-525.480 requires that the Permittee describe the measures to be taken to replace adversely affected State-appropriated water rights. In addition the commitment should be simplified instead of stating the "Permittee will commit", the wording should be the "Permittees commits".